

REMARKS

Claims 1, 2 and 5-14 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1 and 2, drawn to a tunable filter with specific optical components, classified in class 385, subclass 37; and

Group II, claims 5-14, drawn to a method for making a tunable filter, classified in class 385, subclass 37; and

For the purpose of examination of the present application, Applicants provisional elect, with traverse, Group II, claims 5-14.

TRAVERSAL OF RESTRICTION REQUIREMENT

Applicants traverse the restriction requirement for the following reasons.

First, both of the invention groups I and II are classified in class 385, subclass 37. Thus, they are examinable together without placing undue burden on the Examiner since the Examiner will search the same search area for these invention groups as indicated by their same classification.

Second, original claims 1-12 include both elected group II and non-elected group I and have been examined on the merits in the Office Action dated October 4, 2005. Therefore, they are examinable together without placing undue burden on the Examiner since the Examiner will search the same search area for both groups as he did in the Office Action dated October 4, 2005.

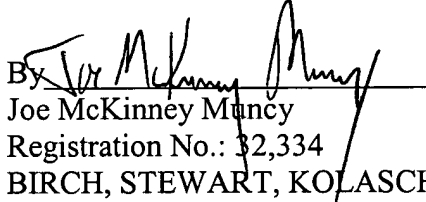
In view of the foregoing remarks, reconsideration of the Election of Species requirement is requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joe McKinney Muncy, Registration No. 32,334 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: March 7, 2006

Respectfully submitted,

By 
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